REMARKS/ARGUMENTS

These remarks are responsive to the Office Action, dated January 1, 2004. Currently, claims 22-36 and 38-40 are pending with claims 22, 25, 33, and 38 being independent. Claims 1-21 and 37 are withdrawn from consideration.

The Office Action rejected claims 22-36 and 38-40 under 35 U.S.C. §103(a) as being unpatentable over Aras et al. (U.S. 5,872,588) (hereinafter "Aras") in view of Herz et al. (U.S. 5,758,257) (hereinafter "Herz") and further in view of Dillon (U.S. 5,995,725) (hereinafter "Dillon").

With respect to independent claims 22, 25, 33 and 38, the Office Action states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aras with Herz to achieve the claimed invention. With respect, Applicant disagrees with this ground of rejection. The Office Action admits that Aras does not disclose the steps of "providing a database of program schedule information"; and "coordinating the subscriber activities with the schedule information to provide statistics of practical value to content providers". The Office Action further admits that Aras does not disclose the steps of "connecting the DBS subscriber station to a first Internet interface; "connecting a DBS server to a second Internet interface"; and the step of "providing respective full-time communication paths between the first and second Internet interfaces and an Internet Service Provider".

Applicant submits that Aras fails to disclose the step of "transmitting a query message over the Internet from the DBS server to an Internet Protocol address associated with the DBS server subscriber's station". The step of transmitting a query message over the Internet from the DBS server to an Internet protocol address associated with the DBS server subscriber's station is likewise neither disclosed in Herz nor in Dillon. It is therefore respectfully submitted that the combination of Aras, Herz and Dillon does not teach this limitation.

Herz teaches a system and method for scheduling broadcast of, and access to, video programs and other data using customer profiles. As shown in Fig. 5, a two-way customer profile system feeds back data representative of the customer's viewing habits from the customer's set top multimedia terminals to the CATV head end for proposes of optimally scheduling the channels for transmission from the head end in accordance with the recorded customer preferences. Customer profile information and viewing habit information from the individual set top multimedia terminals is relayed to the head end 502 on a periodic basis for updating the agreement matrices on a system level to determine what video program should be transmitted in particular time slots. The head end 502 includes a distribution system 504 which is controlled by system controller 506 to schedule a presentation of the program source material 402 to customers in response to passive feed-back data stored in data collection memory 508 which has been received from the customers' set top multimedia terminals 412. In particular, the customer profile data and viewing habit data is collected and periodically provided via return path 510 to data collection memory 508 as a record of what the customers desire to watch and what they actually watched (column 41, line 57-colunm 42, line 11). Herz et al. fail to disclose how the set top multimedia terminal determines what has been viewed or how the data is stored for periodic feedback.

Dillon, in a non-analogous application, teaches a method of allowing a user to download data using a fast one-way satellite link, while using a conventional low-speed Internet connection for data been sent into the network. The invention uses a "spoofing" technique to solve the problem of the long propagation delays inherent in satellite communication. (column 1, lines 51-57). Consequently, Dillon fails to teach or suggest a full-time communications path between a DBS subscriber station and a DBS server using an Internet interfaces.

In order to establish a *prima facie* case of obviousness, it is necessary that the prior art references, when combined, teach or suggest all of the claim

limitations (see MPEP 2143.03). Furthermore, in order to establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine referenced teachings. It is respectfully submitted that there is no such suggestion or motivation, and that the combination of these three references constitutes impermissible hindsight analysis.

Furthermore, Applicant respectfully disagrees with the assertions made in this Office Action to the effect that Dillon discloses the steps of "connecting the DBS subscriber station to a first Internet interface"; connecting a DBS server to a second Internet interface"; and the step of "providing respective full-time communication paths between the first and second Internet interfaces and an Internet Service Provider (ISP)". While Dillon describes a system in which a personal computer downloads data from a network using a high-speed, one-way satellite link and then sends data into the network using a conventional dial-up link, there is no description in Dillon of the DBS server or of a DBS subscriber station or to the connection of either a DBS server or a DBS subscriber station to an Internet interface. It is therefore respectfully submitted that the combination of Dillon with Aras and Herz does not render claim 22 obvious and the rejection is traversed.

In claim 25, Applicant claims a step of "transferring the information to a DBS data collection point having a connection to the Internet using a full-time communications path established between the subscriber station and an Internet Service Provider." Since none of the three cited references teach or suggest this step, it is respectfully submitted that the obviousness rejection is improper and is thereby traversed.

In claim 33, Applicant claims the limitation "the DBS subscriber station being further adapted to support a full-time connection to the Internet". This limitation is neither disclosed nor suggested in any of the three references.

Therefore, it is respectfully submitted that the combination of these three references cannot render this claim obvious.

In claim 38, Applicant claims the limitation that "the data point supporting a full-time connection to the Internet to enable the information to be received from subscriber stations adapted to collect and send the information via the Internet". Again, this limitation is neither taught nor suggested by any combination of the three cited references. It is therefore respectfully submitted that this obviousness rejection based upon the combination of references is improper, and the rejection is thereby traversed.

Since independent claims 22, 25, 33 and 38 are demonstrably not obvious, it is respectfully submitted that all of their dependent claims are likewise not obvious.

In light of the foregoing arguments, it is respectfully submitted that the claims as they currently stand are not obvious in view of the references cited. Applicant respectfully requests reconsideration of the claim rejections and issuance of a Notice of Allowability.

Respectfully submitted,
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